

APPEAL STATEMENT - REFERENCE APP/H6955/A/13/2198827

PROPOSED VARIATION OF CONDITIONS 2 AND CONDITIONS 7 – 12

PLANNING APPROVAL ROS/P/2011/0415 DATED 14/10/2011

TO ALLOW

PROPOSED IMPROVEMENTS TO EXISTING ACCESS SERVING 40 WAVERLEY CRESCENT, ROSSETT, TO FORM NEW WIDER ACCESS TO ALSO SERVE PROPOSED NEW TWO BEDROOM BUNGALOW ON SITE TO THE REAR

FOR

MISS V HOLDEN AND MR W CLEAVER (joint appellants)

BACKGROUND TO THIS APPEAL

1-The joint appellants are:

Mr Bill Clever who is now the owner of 40 Waverley Crescent Rossett, and Miss Valerie Holden who is the owner of the plot of land to the rear which has planning approval for a single detached two bedroom bungalow with a new access approved off the adjacent private access road.

2- A previous Planning application for the erection of a two bedroom bungalow with alterations to the **existing** access to form a joint access, was refused on 19th May 2011. (ROS/P/2011/0253) **although:**

- The ROSSETT Community Council had expressed NO OBJECTIONS to the proposals.
- The Council Planning Officer in this case, indicated preference for an improved shared access utilising the existing access to 40 Waverley Crescent.
- The occupier of the adjacent house at No. 41 Waverley Crescent also expressed a preference for the existing access to be utilised in a letter to the Council.

A fee was paid to the LPA for consultation with this application and it was expected that the application would be approved.

Following a formal complaint made to the LPA an investigation was carried out by the LA Corporate Complaints Officer and it was found that the LPA were guilty of poor communication and mis management of this application. The consultation fee was refunded. (the LA investigation report dated 9th May 2012 is available should it be required)

3-Refusal Reason 2 (ROS/P/2011/0253)- provided by the Council Highways Officer was *'The traffic generated by the proposed development would result in an increase in the use of the existing sub –standard access with consequent danger to road users and pedestrians.'*

- No evidence to support this statement has been provided by the Council Highways Department despite being requested.
- Increase in use of the access to serve the new bungalow would be minimal and is estimated at a maximum of six movements per day. If a time of 5 seconds was allowed to enter and leave the site, the additional use would amount to 30 seconds per day.

- The proposal was to improve the 'existing sub standard access'

4-The Council Highways Officer recommended that the adjacent Council owned private access road be widened and a new access to the new bungalow be formed off this widened road. All costs of this work to be paid by the applicant. The applicant was also required to provide a strip off her land to accommodate the widening.

5-The applicant co operated with the Council Highways Officers recommendation with regards to the access and a revised application was granted giving planning approval to Miss Holden on 14/10/2011 for a single detached two bedroom bungalow with detached garage and new access from the adjacent private access road serving the Council garages. (ROS P/2011/0415)

6-This proposed new access was approved by the owners of the private access road, Wrexham Council (Housing Department), and it was agreed that the Council Highways Department would adopt this section of roadway upon completion.

7-The Council, (Housing Department) have **now** decided, (13 months later) to impose a charge in excess of £8250 on the applicant to allow the access to be constructed.

8-This unexpected additional cost imposed by the Council at such a late stage has resulted in the applicant rethinking the access, on cost grounds, reverting to the original preferred idea of a shared joint access.

APPLICATION FOR VARIATION OF CONDITIONS 2 AND 7-12 PLANNING APPROVAL ROS/P/2011/0415

**TO PROVIDE IMPROVEMENTS TO THE EXISTING ACCESS SETRVING 40 WAVERLEY
CRESCENT, ROSSETT, TO FORM NEW WIDER ACCESS TO ALSO SERVE PROPOSED NEW
TWO BEDROOM BUNGALOW ON SITE TO THE REAR.**

REFUSED – 7th May 2013 reasons – *'The traffic generated by the proposed development would result in an increase in the use of the existing sub standard access with consequent danger to road users and pedestrians, contrary to Policy GDP1d of the Wrexham Unitary Development Plan'*

GROUNDNS FOR APPEAL

1-This application takes full account of the previous reasons for refusal, by widening the existing access to 6 metres, extending slightly the existing drop kerbs, bringing the access up to the required standards.

2-There is excellent visibility in all directions from the access which has existed without issues for approx 30 years.

3-Since the access was formed approx 30 years ago, the Council Highways Officer confirmed that there had been no recorded accidents or incidents at the junction adjacent to the access.

4-The un adopted private road adjacent to the existing access is lightly used as a private access to the Council garages. (many of the garages are used for storage purposes only)

5-The additional use of the existing improved access when serving the proposed new two bedroom bungalow will be minimal, (a car entering and leaving the new bungalow site on 4 or 5 occasions at various times each day) and it is difficult to envisage how the improved access will have any adverse affect on safety.

6-The vehicular access to 40 Waverley Crescent, is existing, with established drop kerbs and has served the property for many years (approx 30 years) without incident.

7-The existing access will be improved by widening to 6 metres and extending the existing drop kerbs, however the Council reasons for refusal does not take this into account.

8-Adequate visibility will be provided in excess of 2.4 x 33m in both directions.

9-There is excellent visibility to the adjacent private road, giving a clear view of pedestrians and road users approaching the junction.

10-Turning areas will be incorporated into the site which do not exist at present and do not exist within any other property in Waverley Crescent.

11-Many houses in Waverley Crescent have shared double access driveways, mostly without turning spaces.

12-The shared access will be surfaced using hard bound materials for a distance of 5m behind the highway boundary.

13-No gates shall be erected within 5m of the highway boundary.

14-Parking provision of 2 spaces will be maintained for 40 Waverley Crescent.

IT IS REQUESTED THEREFORE, THAT CONDITIONS 2 AND CONDITIONS 7 – 12 BE AMENDED TO ALLOW FOR IMPROVEMENTS TO BE CARRIED OUT TO THE EXISTING ACCESS TO SERVE BOTH 40 WAVERLEY CRESCENT AND ALSO THE NEW 2 BEDROOM BUNGALOW TO THE REAR .